

Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 STATE 196866

62

ORIGIN EA-14

INFO OCT-01 ISO-00 DLOS-07 COA-02 EB-11 INT-08 COME-00

CIAE-00 INR-11 NSAE-00 RSC-01 DODE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PRS-01 L-03 CEQ-02 EPA-04 NSF-04

SCI-06 SS-20 NSC-07 SP-03 H-03 /108 R

DRAFTED BY EA/J:RMDEMING:CB

APPROVED BY EA/J:WSHERMAN

D/LOS:MR. ESKIN

----- 063889

O 071854Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L STATE 196866

E.O. 11652: GDS

TAGS: EFIS, US, JA

SUBJECT: NEW ENFORCEMENT GUIDELINES FOR US CONTINENTAL
SHELF FISHING RESOURCES

1. ON SEPTEMBER 6 JOHN NORTON MOORE, CHAIRMAN OF NSC
INTERAGENCY TASK FORCE ON LOS, CALLED IN JAPANESE EMBOFFS
(KUBOTA AND MATSUOAKA) TO INFORM THEM THAT EFFECTIVE
DECEMBER 5, 1974, THE USG WOULD PUT INTO EFFECT NEW
GUIDELINES FOR THE ENFORCEMENT OF US RIGHTS TO LIVING
RESOURCES ON US CONTINENTAL SHELF. MR. MOORE EMPHASIZED
THAT THIS WAS NOT A NEW CLAIM BY THE US SINCE BY VIRTUE
OF CONVENTION ON THE CONTINENTAL SHELF WE ALREADY EXERCISE
SOVEREIGN RIGHTS OVER SUCH RESOURCES BUT WAS RATHER NEW
PROCEDURE FOR ENFORCING THESE RIGHTS. MR. MOORE SAID
THAT THIS NEW POLICY WAS VERY STRONGLY RELATED TO PRESSURE
IN CONGRESS FOR LEGISLATION WHICH WOULD UNILATERALLY
ESTABLISH 200 MILE FISHING ZONE (MAGNUSON BILL) AND TO
WHICH THE ADMINISTRATION IS STRONGLY OPPOSED.
MR. MOORE SAID THAT OFFICIAL NOTIFICATION OF CHANGE WOULD
CONFIDENTIAL
CONFIDENTIAL

PAGE 02 STATE 196866

BE IN FORM OF A DIPLOMATIC NOTE TO BE CIRCULATED TO
EMBASSIES IN WASHINGTON NEXT WEEK, BUT IN VIEW OF CLOSE

COOPERATION BETWEEN GOJ AND USG AT CARACAS HE WANTED TO GIVE ADVANCE NOTICE TO GOJ. MR. MOORE EXPRESSED HOPE THAT IN MONTHS AHEAD GOJ AND USG COULD WORK TOGETHER TO SOLVE BILATERAL FISHING PROBLEMS, THEREBY REDUCING CONGRESSIONAL PRESSURE FOR 200 MILE LEGISLATION.

2. JAPANESE EMBOFFS SAID THAT THEY WOULD PASS NEW GUIDELINES TO TOKYO. FOR EMBASSY INFO SUBSTANCE OF NOTE IS REPEATED BELOW:

QUOTE: AS INDICATED BY CONVENTION ON CONTINENTAL SHELF, 499 UNTS 311, AND DOMESTIC UNITED STATES LEGISLATION, THE UNITED STATES EXERCISES SOVEREIGN RIGHTS FOR PURPOSES OF EXPLORATION AND EXPLOITATION OVER CONTINENTAL SHELF FISHERY RESOURCES LOCATED ON ITS CONTINENTAL SHELF, AND SUCH RIGHTS ARE EXCLUSIVE IN SENSE THAT IF THE UNITED STATES DOES NOT EXPLOIT THESE RESOURCES NO ONE MAY EXPLOIT THEM WITHOUT EXPRESS CONSENT OF THE UNITED STATES.

THE TAKING OF CONTINENTAL SHELF FISHERY RESOURCES FROM UNITED STATES CONTINENTAL SHELF WILL RESULT IN ARREST AND SEIZURE OF ANY VESSEL TAKING SUCH RESOURCES, EXCEPT AS PROVIDED BY THE UNITED STATES IN BILATERAL AGREEMENTS. FOR THE PURPOSE OF DETERMINING WHETHER SUCH A TAKING HAS OCCURRED, VESSELS MAY BE BOARDED WHEN ENGAGING IN EITHER OF FOLLOWING ACTS:

(A) FISHING ABOVE CONTINENTAL SHELF OF THE UNITED STATES WITH GEAR WHICH IS DESIGNED SPECIFICALLY TO CATCH CONTINENTAL SHELF FISHERY RESOURCES; OR

(B) FISHING ABOVE CONTINENTAL SHELF OF THE UNITED STATES WITH BOTTOM GEAR (INCLUDING BOTTOM TRAWLING GEAR) WHICH CAN BE EXPECTED TO RESULT IN CATCH OF CONTINENTAL SHELF FISHERY RESOURCES, EXCEPT WHERE PROCEDURES USED ARE DESIGNED TO REDUCE AND CONTROL SUCH INCIDENTAL CATCH PURSUANT TO AN AGREEMENT WITH THE UNITED STATES.

IN THOSE INSTANCES WHERE TAKING OF CONTINENTAL SHELF
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 STATE 196866

FISHERY RESOURCES DOES NOT RESULT IN A SUBSTANTIAL CATCH AND SUCH TAKING DOES NOT APPEAR TO BE DELIVERATE OR REPEATED, A WARNING WILL NORMALLY BE GIVEN. IN ANY EVENT, FISHERMEN ARE EXPECTED TO RETURN TO THE SEA IMMEDIATELY ANY CONTINENTAL SHELF FISHERY RESOURCES WHICH MAY BE TAKEN INCIDENTALLY IN THE COURSE OF DIRECTED FISHERIES FOR OTHER SPECIES. FISHERMEN WHO ENCOUNTER CONCENTRATIONS OF CONTINENTAL SHELF FISHERY RESOURCES IN THE COURSE OF THEIR FISHING OPERATIONS SHOULD TAKE IMMEDIATE STEPS TO AVOID SUCH CONCENTRATIONS IN FUTURE

TOWS.

TO FACILITATE THE TRANSITION IN FISHING METHODS REQUIRED
BY THESE PROCEDURES, UNITED STATES ENFORCEMENT

OFFICERS WILL ACT WITH DISCRETION DURING A SHORT PERIOD
TO ALLOW FISHERMEN OPERATING IN REGION TO BECOME
FAMILIAR WITH THESE PROCEDURES.

THE BOARDING AND WHERE APPROPRIATE THE ARREST OF ANY
VESSEL PURSUANT TO THESE PROCEDURES SHALL BE IN STRICT
CONFORMITY WITH THE ABOVE.

THE EFFECTIVE DATE OF THESE NEW PROCEDURES WILL BE
DECEMBER 5, 1974.

THE UNITED STATES GOVERNMENT IS PREPARED TO ENTER INTO
NEGOTIATIONS WITH ANY GOVERNMENT FOR THE PURPOSE OF
ESTABLISHING PROCEDURES DESIGNED TO REDUCE AND CONTROL
THE INCIDENTAL CATCH OF CONTINENTAL SHELF FISHERY
RESOURCES BY FISHERMEN USING BOTTOM GEAR (INCLUDING
BOTTOM TRAWLING GEAR) ABOVE CONTINENTAL SHELF OF THE
UNITED STATES. END QUOTE.

3. SINCE NOTE HAS NOT YET BEEN FORMALLY CIRCULATED IN
WASHINGTON, ABOVE IS FYI ONLY. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, LAW, CONTINENTAL SHELF, INSTRUCTIONS, TWO HUNDRED MILE LIMIT, FISHING LIMITS, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Draft Date: 07 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: shawdg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE196866
Document Source: CORE
Document Unique ID: 00
Drafter: RMDEMING:CB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740249-0597
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740965/aaaacdgi.tel
Line Count: 141
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 30 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 JUL 2002 by shawdg>; APPROVED <05 MAR 2003 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NEW ENFORCEMENT GUIDELINES FOR US CONTINENTAL SHELF FISHING RESOURCES
TAGS: EFIS, US, JA
To: TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005